

Regulatory Process

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, the EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. 603 and 604. Alternatively, the EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

SIP approvals under section 110 and subchapter I, part D, of the Act do not create any new requirements, but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP-approval does not impose any new requirements, I certify that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-State relationship under the Act, preparation of a regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of State action. The Act forbids the EPA to base its actions concerning SIPs on such grounds. *Union Electric Co. v. U.S. E.P.A.*; 427 U.S. 246, 256-66 (S. Ct. 1976); 42 U.S.C. 7410(a)(2).

Executive Order 12291

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

List of Subjects in 40 CFR Part 52

Air pollution control, Hydrocarbons, Intergovernmental relations, Nitrogen dioxide, Particulate matter, Reporting and recordkeeping requirements, Sulfur dioxide, Volatile organic compounds.

Authority: 42 U.S.C. 7401-7671q.

Dated: March 12, 1993.

W.B. Hathaway,

Acting Regional Administrator (6A).

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40 CFR Parts 260, 261, 262, 264, 265, 268, 270, and 273

[FRL-4611-8]

RIN 2050-AD19

Hazardous Waste Management System; Modification of the Hazardous Waste Recycling Regulatory Program

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule; extension of comment period.

SUMMARY: In response to several requests, the Environmental Protection Agency (EPA) is granting a 30-day extension to the comment period for the "universal" wastes proposed rule published on February 11, 1993 (58 FR 8102).

DATES: Comments on the February 11, 1993 notice of proposed rulemaking (58 FR 8102) must be submitted on or before May 12, 1993.

ADDRESSES: Persons who wish to comment on the February 11, 1993 notice must provide an original and two copies of their comments, include the docket number (F-93-SCSP-FFFFF), and send them to: EPA RCRA Docket (OS-305), U.S. EPA, 401 M Street SW., Washington, DC 20460. The RCRA Docket is located at room M2427, U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460. The docket is open from 9 a.m. to 4 p.m., Monday through Friday, excluding federal holidays. To review docket materials, the public must make an appointment by calling (202) 260-9327. The public may copy a maximum of 100 pages from any regulatory docket at no cost. Additional copies cost \$0.15 per page.

FOR FURTHER INFORMATION CONTACT: For general information, contact the RCRA/Superfund Hotline toll free at (800) 424-9346. In the Washington, DC metropolitan area, call (703) 412-9810. For information regarding specific aspects of this notice, contact Charlotte Mooney, Office of Solid Waste (OS-332), U.S. EPA, 401 M Street SW., Washington, DC 20460, telephone (202) 260-6926.

SUPPLEMENTARY INFORMATION: Several parties, including one state agency and the Association of State and Territorial Solid Waste Management Officials, have requested that EPA extend the comment period on the February 11, 1993 universal wastes proposal (58 FR 8102). Additional time is requested to allow coordinated discussion of the issues within and among state agencies (and other organizations) in order to develop comprehensive comments on the proposal. Because EPA believes that the quality of a final universal wastes rule may be greatly improved if implementing agencies and the regulated community are able to fully explore the many issues raised in the proposal prior to submitting comments, the Agency has determined that an extension of 30 days is appropriate.

Dated: April 2, 1993.

Richard J. Guimond,

Assistant Surgeon General, USPHS, Acting Assistant Administrator.

[FR Doc. 93-8204 Filed 4-7-93; 8:45 am]

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40 CFR Part 300

[FRL-4609-3]

National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List Update

AGENCY: Environmental Protection Agency.

ACTION: Notice of intent to delete Hydro-Flex Corporation Site from the National Priorities List; request for comments.

SUMMARY: The Environmental Protection Agency (EPA) Region VII announces its intent to delete the Hydro-Flex Corporation Site from the National Priorities List (NPL) and requests public comment on this action. The NPL constitutes appendix B to the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), as amended. This action is being taken because EPA and the State of Kansas have determined that no fund-financed remedial action is appropriate at this Site, and that actions taken to date are protective of public health, welfare and the environment.

DATES: Comments concerning this site may be submitted on or before May 10, 1993.

ADDRESSES: Comments may be mailed to Catherine Barrett, Waste Management Division/ Superfund Branch, U.S. Environmental Protection Agency, Region VII, 726 Minnesota Avenue, Kansas City, Kansas 66101.

FOR FURTHER INFORMATION CONTACT: Comprehensive information on this site is available for public review at the EPA Region VII Waste Management Division Records Center located at the above address and at the Topeka Public Library, 1515 SW 10th Street, Topeka, Kansas.

To obtain copies of documents in the public docket contact: Barry Thierer, U.S. Environmental Protection Agency, Region VII, 726 Minnesota Avenue, Kansas City, Kansas 66101, (913) 551-7515.

SUPPLEMENTARY INFORMATION:

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I. Introduction

The Environmental Protection Agency (EPA) Region VII announces its intent to delete the Hydro-Flex Corporation Site, Topeka, Kansas, from the National Priorities List (NPL), appendix B of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 CFR part 300 as amended, and requests comments on this deletion. The EPA identifies sites that appear to present a significant risk to public health, welfare or the environment and maintains the NPL as the list of those sites. Sites on the NPL may be the subject of remedial actions financed by the Hazardous Substances Response Trust Fund (Fund). Pursuant to § 300.425(e)(3) of the NCP, any site deleted from the NPL remains eligible for fund-financed remedial actions if conditions at the site warrant such action.

EPA will accept comments on the proposed de-listing of this Site for thirty days after publication of this notice in the **Federal Register**.

Section II of this notice explains the criteria for deleting sites from the NPL. Section III discusses procedures that EPA is using for this action. Section IV discusses the Hydro-Flex Corporation Site and explains how the Site meets the deletion criteria.

II. NPL Deletion Criteria

The NCP establishes the criteria that the Agency uses to delete sites from the NPL. In accordance with 40 CFR 300.425(e), sites may be deleted from the NPL where no further response is appropriate. In making this determination, EPA will consider, in consultation with the State, whether any of the criteria in § 300.425(e)(1) (i) through (iii) have been met:

Before deciding to delete a site, EPA must first determine that actions taken at the site are protective of public health, welfare and the environment and that no further fund-financed actions are appropriate. In addition, the NCP at § 300.425(e)(2) requires State concurrence for deleting a site from the NPL.

In addition to the above, for all remedial actions which result in hazardous substances, pollutants, or contaminants remaining at the site above levels that allow unlimited use and unrestricted access, it is EPA's policy to review the site at least every five years to ensure that the remedy remains protective of human health and the environment. A 5-year review is appropriate for Hydro-Flex and will be conducted in 1997. At that time EPA, in

consultation with the State, will determine whether human health and the environment remain protected.

Deletion of a site from the NPL does not preclude eligibility for subsequent fund-financed actions if future conditions warrant such actions. (40 CFR 300.425(e)(3)).

EPA Region VII will accept and evaluate public comments before making the final decision to delete. The Agency believes that deletion procedures should focus on notice and comment at the local level. Comments from the local community are often the most pertinent to deletion decisions. The following procedures were used for the intended deletion of this site:

1. EPA Region VII has recommended deletion and has prepared the relevant documents.

2. The State of Kansas has concurred with the deletion decision.

3. Concurrent with this National Notice of Intent to Delete, a local notice has been published in the local newspaper and has been distributed to appropriate federal, state and local officials and other interested parties. This local notice announces a thirty (30) day public comment period on the deletion package, which starts April 8, 1993 and will conclude on May 10, 1993.

4. EPA has made all relevant documents available in the Regional Office and local site information repository (local library).

Deletion of sites from the NPL does not itself create, alter or revoke any individual's rights or obligations.

The comments received during the notice and comment period will be evaluated before the final decision to delete. EPA will prepare a Responsiveness Summary, which will address any comments received during the public comment period.

A deletion occurs after an EPA Regional Administrator places a final notice of deletion in the **Federal Register**. The NPL will reflect any deletions in the next final update. Public notices and copies of the Responsiveness Summary will be made available by Region VII.

IV. Basis for Intended Site Deletion

The U.S. EPA and the Kansas Department of Health and Environment (KDHE) intend to delete the Hydro-Flex Corporation Site from the National Priorities List (NPL) because Superfund activities at the site have been completed.

The Site is located in northwest Topeka, Kansas and encompasses 2.9

acres. The City of Topeka Water Department utilizes two concrete surface water intake structures along the Kansas River which are located approximately 6,200 feet southeast of the Hydro-Flex Site. Concern for impact on this water supply is the reason the Site was added to the NPL on March 30, 1989. The Kansas Department of Health and Environment (KDHE) completed a Preliminary Assessment/Site Investigation in March 1987. KDHE installed and sampled three monitoring wells, they also sampled five private wells. The investigation indicated onsite ground water was contaminated with chromium and copper, although results of offsite private well sampling indicated chromium levels below detection limits and copper levels between non-detectable levels and 720 micrograms/liter ($\mu\text{g/l}$). These values meet State and Federal drinking water standards and do not reflect contaminant levels of public health concern.

In 1990, a Consent Agreement between KDHE with Hydro-Flex Corporation, Inc. was signed for the Hydro-Flex site in order to conduct a Remedial Investigation/Feasibility Study (RI/FS). Based on the information and data obtained by the Remedial Investigation and the KDHE sampling, chromium and copper concentrations met drinking water standards.

In a Record of Decision signed March 9, 1992, the Regional Administrator for EPA Region VII selected the No Action alternative as the final remedy for the Hydro-Flex Site. The EPA, in consultation with KDHE, had determined that the Site did not pose a significant threat to public health, welfare and the environment.

Community relations activities conducted included development and implementation of a community relations plan for the RI activities and publication in the local newspaper of a notice informing the public of the Public Comment Period and the availability of the Proposed Plan.

EPA, with concurrence of KDHE, has determined that the Hydro-Flex Site poses no significant threat to public health or the environment and, therefore, taking of further remedial measures is not appropriate.

Dated: March 22, 1993.

William Rice,

Acting Regional Administrator, USEPA Region VII.

[FR Doc. 93-8206 Filed 4-7-93; 8:45 am]

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